IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	**CRIMINAL NO. 3:17-MJ-171-BK**
	§	
SAID AZZAM MOHAMAD RAHIM	§	

DETENTION ORDER

On March 15, 2017, the Court conducted a preliminary hearing, pursuant to FED. R. CRIM. P. 5.1(a), and a hearing on the government's *Motion for Detention*, filed March 6, 2017, Doc. 3. Defendant **SAID AZZAM MOHAMAD RAHIM**, appeared in person and through counsel, James Whalen, and announced ready to proceed. The Government appeared by and through Assistant United States Attorney Errin Martin, who likewise announced ready.

Based on an evidence presented, the Court finds probable cause to believe that Defendant did, in a matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully make a materially false, fictitious, or fraudulent statement or representation in an offense involving international or domestic terrorism in a matter within the jurisdiction of the Federal Bureau of Investigation, in violation of 18 U.S.C. § 1001, as alleged in the Complaint, Doc. 1.

Further, based on (1) the evidence and arguments presented, (2) the pretrial services report, and (3) the factors listed in 18 U.S.C. § 3142(g), and for the reasons stated on the record at the hearing, the Court finds by a preponderance of the evidence that there is no condition or combination of conditions which will reasonably assure Defendant's appearance as required, and by clear and convincing evidence that there is no condition or combination of conditions which will reasonably assure the safety of the community or another person. Those reasons include the nature and circumstances of the charged offense, the weight of the evidence, and Defendant's significant familial and financial ties outside of the United States.

While the Court certainly does not take lightly the freedom of expression guaranteed by the United States Constitution to every citizen, the Court finds very credible the evidence presented in this case which demonstrated that Defendant's speech was not mere expression, but included attempts to incite violent terroristic acts and threats to commit violent terrorist acts, both in the United States and abroad. After review of the translations of Defendant's very graphic conversations over social media, the Court concludes that there are no conditions the Court can impose to reasonably restrict the reach of the former or to prevent the latter. This is especially true in light of Defendant's own explanation in the transcribed recordings that the tools with which terror can be inflicted are readily available, as well as Defendant's repeated calls to commit violent acts ("kill them") anywhere and anytime. Notably, there was no evidence offered or suggestion made that the statements were mere bravado or bluster, thus, for the Court to assume that is the case is to ignore its responsibility to make evidence-based decisions.

In addition to the danger Defendant poses, the threat of his non-appearance is just as apparent from his own words. As Defendant stated to law enforcement agents who questioned him in this case, if he has something to hide (which, based on the many false statements he allegedly made to them, it is reasonable to infer that he does) he would simply leave the country. That, coupled with the fact that Defendant has significant family ties and property interests outside of the United States, leads the Court to conclude that there is no condition or combination of conditions that could reasonably ameliorate Defendant's risk of non-appearance. The credible evidence demonstrates Defendant has communicated that he is willing to do anything for the opportunity to engage in terrorist acts for his beliefs, including killing others and dying in the process. In light of his willingness to go to such extremes, it is not plausible that he would simply comply with any condition or combination of conditions the Court could impose, including simply appearing for Court as required.

Accordingly, the Government's *Motion for Detention* is **GRANTED**.

It is **ORDERED** that Defendant **SAID AZZAM MOHAMAD RAHIM,** is committed to the custody of the Attorney General and United States Marshal pending further proceedings in this case.

It is **ORDERED** that while in the custody of the Attorney General and the United States Marshal, Defendant **SAID AZZAM MOHAMAD RAHIM** be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is **ORDERED** that Defendant **SAID AZZAM MOHAMAD RAHIM**, while in custody, be afforded reasonable opportunity for private consultation with counsel.

It is further **ORDERED** that, on an Order of a Court of the United States or at the request of the attorney for the Government, the person in charge of the corrections facility in which Defendant **SAID AZZAM MOHAMAD RAHIM** is confined shall deliver Defendant to a

United States Marshal for the purpose of an appearance in connection with court proceedings in the Northern District of Texas.

SIGNED March 16, 2017.

RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE